

REMARKS

Claims 1-52 are pending.

Restriction requirement

The examiner has required applicants to elect between two, in the examiner's view, distinct inventions:

Group I: claims 1-25, drawn to a device;

Group II: claims 26-52, drawn to a method of making the device.

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The examiner has also identified four, in the examiner's view, patentably distinct species:

Species 1 - beneficial agent;

Species 2 – hydration inhibitor;

Species 3 – type of device; and

Species 4 – third beneficial agent (if Group II elected).

and required applicant to select from among these a single species for prosecution on the merits to which the claims will be restricted if no generic claim is finally held allowable; currently claim 1 is generic.

Applicants' response**Group election**

Applicants elect Group I, claims 1-10, drawn to a device.

Species election

Applicants elect the following species:

1. Beneficial agent: dipyridamole (LogP 1.52)
2. Hydration inhibitor: everolimus (LogP 5.01)
3. Type of device: stent
4. Third beneficial agent: dipyridamole

The examiner has required that applicants elect "a single species (single compound) to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants interpret the examiner's requirement as meaning a single compound for each category of species and have responded accordingly.

The examiner also added the limitation "if Group II elected" to the Species 4 election requirement. A third beneficial agent may also exist within Group I as well as Group II so applicants have elected a compound for Species 4 even though Group I has been elected. The third beneficial agent may be the same as the first beneficial agent (claim 12) and applicants have designated the third beneficial agent accordingly.

Claims 1-25 read on the elected species.

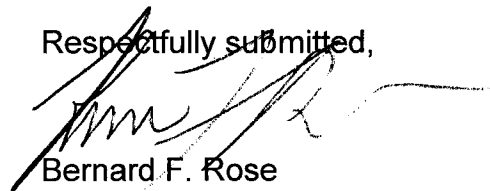
CONCLUSION

Applicants do not believe that any fee is due with this response. If such is not the case, the Commissioner is authorized to charge any fee due to Squire, Sanders and Dempsey Deposit Account No. 07-1854.

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Respectfully submitted,



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